

AMENDED IN ASSEMBLY JUNE 11, 2014
AMENDED IN SENATE JANUARY 27, 2014
AMENDED IN SENATE JANUARY 15, 2014
AMENDED IN SENATE JANUARY 6, 2014
AMENDED IN SENATE SEPTEMBER 11, 2013
AMENDED IN SENATE APRIL 9, 2013

SENATE BILL

No. 579

Introduced by Senator Berryhill

February 22, 2013

An act to add and repeal Section 4751 of the Welfare and Institutions Code, relating to developmental services.

LEGISLATIVE COUNSEL'S DIGEST

SB 579, as amended, Berryhill. Developmental services: Commission on Oversight Efficiency and Quality Enhancement Models.

The Lanterman Developmental Disabilities Services Act authorizes the State Department of Developmental Services to contract with regional centers to provide services and supports to individuals with developmental disabilities. The services and supports to be provided to a regional center consumer are contained in an individual program plan, developed in accordance with prescribed requirements.

The California Community Care Facilities Act provides for the licensure and regulation of community care facilities, including residential facilities, adult day programs, small family homes, and group homes, by the State Department of Social Services.

Existing law requires the State Department of Public Health to license and regulate various types of health facilities, and requires the State Department of Public Health and the State Department of Developmental Services to jointly develop and implement licensing regulations appropriate for intermediate care facilities/developmentally disabled-nursing and intermediate care facility/developmentally disabled-continuous nursing.

This bill would establish the Commission on Oversight Efficiency and Quality Enhancement Models to investigate methods of implementing a unified and consistent oversight and quality enhancement process that ensures the welfare, community participation, health, and safety of individuals with developmental disabilities who are served in programs licensed by the Community Care Licensing Division of the State Department of Social Services. The bill would require the process to also enhance accountability and quality review processes for the services directly provided by regional centers. The bill would require the Governor, Senate Committee on Rules, and the Speaker of the Assembly to appoint members to serve on the commission, as prescribed, *and the State Department of Developmental Services, the State Department of Social Services, and the California Health and Human Services Agency to appoint nonvoting ex officio members*. The bill would require the State Department of Developmental Services to provide staff support to the commission.

The bill would require the commission to recommend a strategy for uniform data collection that provides reliable, valid, and actionable data from multiple stakeholder perspectives and that may be consistently deployed at regional centers. This bill would require the commission to review current regulations and relevant statutes to better focus on reliable data to measure outcomes for individuals served and the impact of services on the lives of individuals and their families, in accordance with prescribed characteristics. The bill would require the commission *to convene no sooner than July 1, 2016, and, by June 30, 2015, September 30, 2016*, to determine the best methods for collecting input on relevant regulatory standards and statutes, and to request public input on those standards, as specified. The bill would require the commission to review and compile, *by September 30, 2016, 2017*, the input received and to submit, *by December 31, 2016, 2017*, a report on its recommended regulatory and statutory changes to the Legislature and the State Department of Developmental Services.

These provisions would be repealed on January 1, ~~2018~~. 2019.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 4751 is added to the Welfare and
2 Institutions Code, to read:

3 4751. (a) The Legislature finds and declares all of the
4 following:

5 (1) Evaluation of the services that people with developmental
6 disabilities receive from both service providers and regional centers
7 is a critical component of the service system.

8 (2) There is evidence that the current system, in which three
9 state-funded entities, the State Department of Developmental
10 Services, the regional centers, and the Community Care Licensing
11 Division of the State Department of Social Services, are charged
12 with monitoring and maintaining *high* quality services and supports
13 for people with developmental disabilities, is ~~confusing and~~
14 ~~confusing~~ *duplicative, confusing*, and fails to produce data essential
15 for service improvement.

16 (3) The efficiency and efficacy of the oversight and quality
17 review processes can be significantly enhanced by ~~unifying~~
18 ~~reviewing~~ the current ~~duplicative~~ quality review system *and*
19 *removing counterproductive duplications*, thus conserving limited
20 state and service providers' resources while simultaneously
21 improving the lives of people with developmental disabilities in
22 California.

23 (b) The Commission on Oversight Efficiency and Quality
24 Enhancement Models is established to investigate methods of
25 implementing a unified and consistent oversight and quality
26 enhancement process. This process shall ensure the welfare,
27 community participation, health, and safety of all those with
28 developmental disabilities who are served in programs currently
29 licensed by the Community Care Licensing Division of the State
30 Department of Social Services. The commission shall give the
31 utmost attention to ensure that the results of its work do not reduce
32 the quality of oversight and monitoring of the health and safety of
33 persons with developmental disabilities. This process shall also
34 enhance accountability and quality review processes for the
35 services directly provided by regional centers.

(c) (1) The commission shall be composed of not more than 12 members as follows: members.

(2) Members shall have an understanding of the developmental services system, including the responsibilities of service providers, regional centers, and the Community Care Licensing Division of the State Department of Social Services. Members appointed to the commission shall have both of the following:

(A) Experience in the developmental services system.

(B) An understanding of the impact of statutes and regulations on providing services in the developmental services system.

(3) Membership of the commission shall be as follows:

(A) Three public members appointed by the Senate Committee on Rules, with one appointee who is from the advocacy community, one appointee who is a provider of day program services, and one appointee who represents regional centers.

(B) Three public members appointed by the Speaker of the Assembly, with one appointee who is a consumer or family member, one appointee who is a provider of residential services, and one appointee who represents regional centers.

(C) Three public members appointed by the Governor with the consent of the Senate. The Governor shall request and consider nominations of persons from the advocacy community, the provider community, the regional center system, consumers and family members, and subject experts in data collection and licensing oversight for these appointments.

(D) The State Department of Developmental Services, the State Department of Social Services, and the California Health and Human Services Agency may shall each select a representative an ex officio, nonvoting member to participate on the commission.

(d) The State Department of Developmental Services shall provide staff support to the commission.

(e) The commission may appoint advisory groups to provide specialized input to assist the commission in its work.

(f) The commission shall examine existing regulations and statutes, beginning with, but not limited to, areas of counterproductive duplication, and recommend changes to the

1 State Department of Developmental Services, as specified in
2 subdivision (h).

3 (g) (1) The commission shall recommend, and include in its
4 final report, a strategy for uniform data collection that provides
5 reliable, valid, and actionable data from multiple stakeholder
6 perspectives and that may be consistently deployed at regional
7 centers. The strategy shall address, to the fullest extent possible,
8 all of the following:

9 (A) Service provider and regional *center* performance.

10 (B) Outcomes consistent with individual program plan goals.

11 (C) Flexibility of implementation.

12 (D) Field-based data entry and analysis.

13 (E) Documentation, measurement, and analysis of the strategy's
14 implementation.

15 (F) Usage of data currently being collected by regional centers
16 and the State Department of Developmental Services.

17 (G) Regional—~~center~~—*and center*, service provider, *and*
18 *government oversight agency* resource needs to implement the
19 strategy.

20 (2) The commission shall consider, but is not limited to, the
21 experience, outcomes, and data provided by the National Core
22 Indicators, the Agnews Developmental Center, and the Bay Area
23 Quality Management System, and from current quality reviews of
24 unlicensed Lanterman Developmental Disabilities Services Act
25 support models, including family home agencies and supported
26 living, in developing the strategy's structure, standards, and data
27 collection methodologies.

28 (h) The commission shall review current sections in Titles 17
29 and 22 of the California Code of Regulations and relevant statutes
30 to better focus on reliable data to measure outcomes for individuals
31 served and the impact of services on the lives of individuals and
32 their families, *with a recognition of the importance of more*
33 *effectively integrating consumers in the community.*
34 Recommendations for *both* the strategy and *statutory and*
35 *regulatory—change changes* shall reflect the following
36 characteristics:

37 (1) Be lean, simple, efficient, and understood by the people
38 served and those who serve them.

39 (2) Avoid unnecessary redundancies of process, permissions,
40 oversight, and enforcement.

(3) Base objective reviews on quality standards that, in accordance with Lanterman Developmental Disabilities Services Act principles, address ~~individual outcomes~~ *individually determined outcomes identified in the individual program plan (IPP) as determined by the planning team*, including, but not limited to, health, safety, independence, choice, empowerment, inclusion, and participation in community life. Outcome measures are to be consistent with performance measures for regional centers.

(4) Base subjective reviews of the impact on individuals and families on satisfaction data collected by an independent third party that surveys a statistically significant sample of service providers and individuals and families providing or receiving those services.

(5) Shift the focus of quality *assurance* efforts to a service enhancement model that encourages and recognizes service provider and regional center improvements.

(6) Include multiple options for proactive consumer protections, including screening for qualified providers, an emphasis on an evolving improvement system of coaching and mentoring service providers toward quality, and an immediate response capacity to address people in imminent danger.

(7) Report aggregate service and individual outcomes to highlight excellence, innovation, and satisfaction in the services provided and in the lives of individuals with developmental disabilities.

(8) Enhance transparency, accountability, quality standards, and measurement processes for the services directly provided by regional centers consistent with regional center performance contracts.

(9) Provide consumers, families, service providers, and regional center staff the opportunity to participate in system evaluation.

(10) Ensure that the results of oversight, quality enhancement, and assurance review activities are available in plain language to people with developmental disabilities and their families so they can be informed consumers of the services that they receive.

(i) (1) ~~On~~ *The commission shall convene no sooner than July 1, 2016.*

(2) *On or before June 30, 2015, September 30, 2016, the commission shall determine the best methods of collecting input*

1 on relevant statutes and sections of Titles 17 and 22 of the
2 California Code of Regulations.

3 ~~(2)~~

4 (3) These methods shall include, but not be limited to, the
5 following:

6 (A) At least two public meetings, with one meeting held in
7 southern California and one meeting held in northern California.

8 (B) The electronic submission of comments.

9 ~~(3)~~

10 (4) The commission shall request public input concerning the
11 revision, retention, or removal of relevant statutes and sections of
12 Titles 17 and 22 of the California Code of Regulations affecting
13 only programs ~~meeting that are~~ both of the following:

14 (A) Under the partial or exclusive oversight of the Community
15 Care Licensing Division of the State Department of Social Services.

16 (B) Provide services and supports exclusively or primarily to
17 persons with developmental disabilities.

18 ~~(4)~~

19 (5) The commission shall solicit comment on issue areas
20 including, but not limited to, the following:

21 (A) Certification and vendorization processes.

22 (B) Complaints.

23 (C) Quality oversight and monitoring requirements.

24 (D) Decertification and devendorization processes.

25 (E) Conflict and duplication in statutes and regulations.

26 (j) On or before September 30, ~~2016~~, 2017, the commission
27 shall review and compile the input received based on its relevance
28 to the criteria described in subdivision (h). On or before December
29 31, ~~2016~~, 2017, the commission shall submit to the Legislature
30 and the State Department of Developmental Services a report on
31 its recommended changes to Titles 17 and 22 of the California
32 Code of Regulations and any recommended statutory changes.
33 The commission shall also recommend, based on *its review of the*
34 input received, the most effective entity or entities for enforcing
35 the regulations.

36 (k) A report to be submitted pursuant to subdivision (j) shall be
37 submitted in compliance with Section 9795 of the Government
38 Code. *There shall be no right or obligation on the part of the state*
39 *to implement the recommendations of the commission, except that*
40 *those recommendations may be enacted by statute or regulation.*

1 *(l)* This section shall remain in effect only until January 1, ~~2018~~,
2 2019, and as of that date is repealed, unless a later enacted statute,
3 that is enacted before January 1, ~~2018~~, 2019, deletes or extends
4 that date.

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